THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 9245 of 2007

Date:19-06-2007

Between:

C.Prabhakar Reddy ..
PETITIONER

AND

The S.H.O.,P.S.Vikarabad and two others
..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in calling him to Police Station, Vikarabad and keeping him in the station from morning to evening every day without there being any case registered against him, as illegal and arbitrary.

The case of the petitioner is that he did not involve in any criminal case. But, the first respondent without any justification whatsoever has been calling and detaining him in the police station hours together and interfering with the personal life and liberty without there being any case registered against the petitioner.

A counter has been filed stating that on a complaint made by A.Venkatesh on 19.03.2007 with regard to the interference in his peaceful possession and enjoyment of the land in an extent of Ac.16.37 guntas in Sy.No.251 situated at Godamguda, Burgupally village and grampanchayat, a case in Crime No.62 of 2007 was registered under Sections 420, 408 and 418 I.P.C. on 19.03.2007. During the course of investigation, on suspicion that the petitioner has also participated in the commission of the offence, he was called to the police station, but he was never made to sit in the police station and all other allegations made by the petitioner are false and denied.

I am of the opinion that even if there is any suspicion, without issuing a summon or an order in writing, the police cannot call the petitioner and make him to sit in the police station. If there is any allegation or investigation reveals that the petitioner is involved in a case, it is always open for the police to show him as an accused and if his statement is required in any other case, the police can call him by issuing a written notice, but they cannot interfere with the personal life and liberty of the petitioner.

As the respondents in the counter have denied all the allegations, no orders are required to be passed in the matter.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:19.06.2007
ccm